

### **REMARKS/ARGUMENTS**

Claims 1-33 are pending in this application, wherein claims 1-3 are withdrawn. By this amendment, claim 4 has been amended with subject matter found in the specification, for example, at paragraph [0037] and FIG. 2. No new matter is added.

### **MATTERS OF FORM**

The Office Action objects to the specification's reference to DE 3815528 C1 and U.S. Patent No. 6,117,687. Applicants enclose a Form PTO-892 with the references.

### **CLAIM REJECTIONS – 35 U.S.C. § 102(a)**

The Office Action rejects claims 4-33 under 35 U.S.C. §102(a) as being anticipated over United States Patent No. 4,572,427 to Selfridge *et al.* (hereinafter referred to as "Selfridge"). This rejection is respectfully traversed.

Applicants' independent claim 4 recites a gas-fed incubator with a work space in an inner container that can be closed by means of a door with temperature control, wherein the inner container is surrounded by a heat-insulating outer housing, and in a floor area of the inner container there is a humidifier with at least one controllable heating element for an atmosphere of the inner container in the form of a pan holding a water bath, wherein the door for closing the inner container has a door switch that is electrically connected to an input of a control device that can control a power supply for the at least one controllable heating element, wherein the control device increases a duration of the heating of the controllable heating element based on a time period that the door is open and a time period between at least the last two door openings, to rapidly increase the humidity.

Selfridge discloses a controlled atmosphere enclosure utilizing a glass base door 14 and warm air jacket heating system. The controlled enclosure/incubator uses electric elements 19 for heating the air and air space 18. Gas atmosphere of the chamber is drawn into the recirculation path through a chamber outlet 22. The humidity of the chamber atmosphere is controlled by a humidifier 67 (See FIG. 5). Controlled system 104 which includes a microprocessor that receives a temperature signal from a temperature probe 94. (See FIG. 6).

The microprocessor 111 heats the incubator according to a main program loop which is interrupted to perform two interrupt routines. The interrupt routines automate the activation or deactivation of the chamber heating element, dependent upon the relative values of the chamber set point temperature in the actual chamber temperature. Additionally, a 50 millisecond timer is utilized as a set point value. See col. 11, lines 5-54, for example. Specifically, FIGS. 8-13 illustrate the various parameters used for adjusting the temperature within the chamber.

As is readily apparent from the above description and steps illustrated in FIGS. 8-13, Selfridge does not adjust its duration of the heating process based on a time period that the doors open and a time period between at least the last two door openings, as recited in Applicant's independent claim 4. Accordingly, Selfridge does not disclose or suggest all the claimed features of Applicant's invention.

Claims 5-33 depend from claim 4. Therefore, for at least the above reasons, Applicants respectfully request the withdrawal of this rejection.

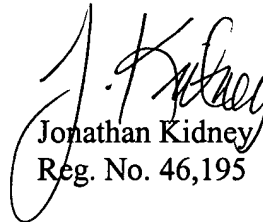
### CONCLUSION

In view of the foregoing remarks, Applicants respectfully request all the objections and rejections to the specification and claims be removed. If, for any reason, the Examiner disagrees, please call the undersigned attorney at 202-861-1556 in an effort to resolve any matter still outstanding before issuing another action.

In the event this paper is not timely filed, Applicants petition for an appropriate extension of time. Please charge any fee deficiencies or credit any overpayments to Deposit Account No. 50-2036 with reference to Attorney Docket No. 87333.2382.

Respectfully submitted,

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